

REMARKS

Upon entry of this Amendment, Claims 1, 3, 6-12, 14-27, 40, and 61 will be present in this case. Claims 1, 3, 6, 7, 8, 10, 12, 40, and 61 have been amended, no Claims have been added, and Claims 2, 4, 5, 13, 28-39, 41, 63, 65, 67, 76, and 77 have been cancelled without prejudice. Claims 42-60, 62, 64, 66, and 68-75 were previously cancelled without prejudice in an Amendment dated November 14, 2005, in response to a Restriction Requirement. Amendments to the Claims will be discussed further herein.

Withdrawal of Previous Rejection

Applicants note with appreciation on page 2 of the present Office Action, the withdrawal of the previous rejection of Claims 1-3, 8, 9, 11, 15, 16, 24-27, 31, 33, and 34 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,372,869 (Arthur et al).

Allowable Subject Matter

In paragraph 5 on page 3 of the Office Action, the Examiner states that Claims 2, 4-7, 12-40, 61, 63, 65, and 67 contain allowable subject matter.

As discussed herein below, Claim 1 has been amended to include the allowable subject matter of Claim 4, and Claim 4 has accordingly been cancelled without prejudice herein.

Claim Amendments

The present Amendment does not represent the entry of new matter, or raise new issues, and only cancels claims and amends claims so as to place all pending claims in condition for allowance, in accordance with the Office Action of April 20, 2009. Entry of the present Amendment is respectfully requested.

Claim 1 has been amended to include the allowable subject matter of Claim 4. Claim 4 has accordingly been cancelled without prejudice herein.

Claim 3 has been amended to define the polymerization catalyst as containing Ni. Basis for this amendment to Claim 3 is found in Claim 1, and paragraph [0009] at pages 3-4 of the specification. Applicants respectfully submit that Japanese Patent Publication No. JP 10-

130311 (Oi et al.) does not disclose, teach or suggest a polymerization catalyst containing Ni and at least one monodentate ligand selected from those recited in present Claim 3. See, for example, paragraph [0016] of Oi et al.

Claims 6 and 7 have been amended to define the active hydrogen of the activator as being an alcoholic hydrogen. Basis for these amendments to Claims 6 and 7 is found in paragraph [0030] at page 7 of the specification.

Claim 8 has been amended only as to form by deleting subheadings a) through f).

Claims 10 and 12 are both amended only so as to more clearly state that any one of $R^1 - R^4$ can be the named substituent and in that case the others are H. If support is believed necessary, it is found in Claim 8 and in paragraphs [0048] and [0049] at pages 11-14 of the specification.

Claim 40 has been amended so as to be in independent form, and includes portions of the allowable subject matter from Claim 8. Basis for these amendments is found in paragraphs [0048] and [0049] at pages 11-14 of the specification. Claim 61 has been amended to depend from Claim 40.

Claim Rejections

Claims 1, 3, 8-11, 76, and 77 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. JP 10-130311 (Oi et al.). This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Oi et al. disclose a method of polymerizing cyclic olefin, such as multi-cyclic olefin, in the presence of a transition metal compound that may include nickel or palladium, and a chain transfer agent, such as hydrogen. See the Abstract, and paragraphs [0009], [0015], [0016], and [0033] of Oi et al.


As set forth above, Claim 1 has been amended to include the allowable subject matter of Claim 4. Therefore Claim 1, and the claims that depend therefrom, Claims 3, 6-12, and 14-27, are now believed to be in condition for allowance, which is earnestly sought.

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CONCLUSION

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to define an invention that is unanticipated, unobvious, and, hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,
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